

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

DEEP SOUTH ASSOCIATES LLC,

Plaintiff,

-against-

HARBORBAY CONSTRUCTION INC.,

Defendant.

-----X

**ORDER ADOPTING REPORT
AND RECOMMENDATION**
17-CV-3124 (DRH)(ARL)

Presently before the Court is the Report and Recommendation of Magistrate Judge Arlene R. Lindsay, dated May 13, 2019, recommending that the Court grant plaintiff's motion for a damages, in connection with the default judgment granted on November 28, 2018, in the amount of \$147,064.63, together with pre-judgment interest at the rate of 9% from August 10, 2016 to the date judgment is entered and deny plaintiff's request for an award of attorney's fees and costs with leave to renew. More than fourteen (14) days have passed since service of the Report and Recommendation and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, the Court adopts the May 13, 2019 Report and Recommendation of Judge Lindsay as if set forth herein. Accordingly,

IT IS HEREBY ORDERED THAT the motion for a damages is granted in the amount of \$147,064.63, together with pre-judgment interest at the rate of 9% from August 10, 2016 to the date judgment is entered and the request for an award of attorney's fees and costs is denied with leave to renew provided such renewed motion is filed within the time limit set forth in Rule 54(d) of the Federal Rules of Civil Procedure. The Clerk of Court is directed to enter judgment in favor of plaintiff and against defendant in the amount of \$147,064.63, together with pre-

judgment interest at the rate of 9% from August 10, 2016 to the date judgment is entered and to close this case.

SO ORDERED.

Dated: Central Islip, New York
June 5, 2019

s/ Denis R. Hurley
Denis R. Hurley
United States District Judge